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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,637	03/13/2002	Slim Souissi	024827-1201	7391
30542	7590	05/02/2007		
FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER HASHEM, LISA	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/098,637

Applicant(s)

SOUISSI ET AL.

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10-12, and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-12 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

FINAL DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2-8-07 have been fully considered but they are not persuasive. The same prior art cited in the Office Action filed on 8-8-2006 is used in the rejections below. Additional column and line numbers are added from the prior art (Wells) to further clarify the rejections.

Applicant argues that the prior art does not teach '...comparing the set of parameters to an established criteria for retrieving complete messages...' recited in the independent claims. Examiner disagrees. Softer discloses all claimed limitations except '...parsing the message notification and comparing a set of parameters...'. That is why the claims are rejected under 35 U.S.C. 103(a).

Wells discloses: receiving a message notification (e.g. SMS message), the message notification corresponding to a complete message (e.g. DESC received message; encoded information; col. 14, lines 1-11; Fig. 4: A, B) (col. 6, lines 18-31; col. 7, lines 28-38; col. 9, line 3 – col. 10, line 41; col. 15, lines 13-36); parsing the message notification (e.g. SMS message) to determine a set of parameters (e.g. application or data identifier) pertaining to the complete message (e.g. DESC received message; encoded information) (Fig. 4, D); and comparing the set of parameters to an established criteria (e.g. is the application or data identifier known to the software in the mobile station) for retrieving complete messages (e.g. received message is translated and displayed in a more convenient, application specific format; col. 14, lines 39-62; Fig. 4: E, F) (col. 9, lines 3-9; col. 13, line 33 – col. 15, line 12).

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In conclusion, Softer in view of Wells clearly discloses parsing the message notification is used to determine whether the complete message should be retrieved in a more convenient, application specific format.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6-8, 10-12, 14-16, 17, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,925,299 by Sofer et al, hereinafter Sofer in further view of U.S. Patent No. 6,078,820 by Wells et al, hereinafter Wells.

Regarding claim 1, Sofer discloses a method for complete message delivery to a communication device (Fig. 2, 16), comprising:
receiving a message notification through a first communication network (Fig. 2, 36), the message notification corresponding to a complete message (col. 8, lines 40-59);
connecting to a message server (Fig. 2, 26) through a second communication network (Fig. 2, 14); and
downloading the complete message through the second communication network (col. 7, lines 18-27).

Sofer discloses complete message delivery. However, Sofer does not disclose parsing the message notification and comparing a set of parameters.

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Wells discloses a method for complete message delivery to a communication device (Fig. 2, 10), comprising:

receiving a message notification (e.g. SMS message), the message notification corresponding to a complete message (e.g. DESC received message; encoded information; col. 14, lines 1-11; Fig. 4: A, B) (col. 6, lines 18-31; col. 7, lines 28-38; col. 9, line 3 – col. 10, line 41; col. 15, lines 13-36);

parsing the message notification (e.g. SMS message) to determine a set of parameters (e.g. application or data identifier) pertaining to the complete message (e.g. DESC received message; encoded information) (Fig. 4, D); and

comparing the set of parameters to an established criteria (e.g. is the application or data identifier known to the software in the mobile station) for retrieving complete messages (e.g. received message is translated and displayed in a more convenient, application specific format; col. 14, lines 39-62; Fig. 4: E, F) (col. 9, lines 3-9; col. 13, line 33 – col. 15, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Sofer to include parsing the message notification and comparing a set of parameters as taught by Wells. One of ordinary skill in the art would have been lead to make such a modification to use a set of parameters to determine whether different parts of the complete message can be readily interpreted and presented to a user of the communication device.

Regarding claim 2, the method of claim 1, wherein Sofer further discloses the message notification is a mobile terminated SMS message (col. 8, lines 40-67).

Regarding claim 6, the method of claim 1, wherein Wells further discloses the set of parameters comprises a sender and a subject (col. 14, lines 1-63).

Regarding claim 7, the method of claim 6, wherein Wells further discloses the set of parameters further comprises a priority (col. 16, lines 31-43).

Regarding claim 8, the method of claim 1, wherein Wells further discloses the set of parameters comprises a unique message identifier (col. 13, lines 11-32 and lines 46-67; col. 15, lines 21-36).

Regarding claim 10, Sofer discloses a method for complete message delivery to a communication device (Fig. 2, 16), comprising:

- receiving a complete message addressed to a communication device;
- constructing a message notification corresponding to the complete message;
- sending the message notification to the communication device through a first communication network (Fig. 2, 36) (col. 8, lines 40-59);
- receiving a download request from the communication device; and
- sending the complete message to the communication device through a second communication network (Fig. 2, 14) (col. 7, lines 18-27).

Sofer discloses complete message delivery. However, Sofer does not disclose a set of parameters and comparing the set of parameters.

Wells discloses a method for complete message delivery to a communication device (Fig. 2, 10), comprising:

- receiving a message notification (e.g. SMS message), the message notification corresponding to a complete message (e.g. DESC received message; encoded information; col. 14, lines 1-11; Fig.

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4: A, B) (col. 6, lines 18-31; col. 7, lines 28-38; col. 9, line 3 – col. 10, line 41; col. 15, lines 13-36);

the message notification comprises a set of parameters (e.g. application or data identifier); and comparing the set of parameters to an established criteria (e.g. is the application or data identifier known to the software in the mobile station) for retrieving complete messages (e.g. received message is translated and displayed in a more convenient, application specific format; col. 14, lines 39-62; Fig. 4: E, F) (col. 9, lines 3-9; col. 13, line 33 – col. 15, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Sofer to include a set of parameters and comparing the set of parameters as taught by Wells. One of ordinary skill in the art would have been lead to make such a modification to use a set of parameters to determine whether different parts of the complete message can be readily interpreted and presented to a user of the communication device.

Regarding claims 11, 12, and 14-16, please see the rejections to claims 2, 3, and 6-8 above, respectively, to reject the method in claims 11, 12, and 14-16.

Regarding claim 17, Sofer discloses a system for complete message delivery to a communication device (Fig. 2, 16), comprising:
a first communication network (Fig. 2, 36) and a second communication network (Fig. 2, 14);
a communication device (Fig. 2, 16) adaptable to communicate over the first communication network and the second communication network;
a message control module (Fig. 2, 26) configured to receive a complete message addressed to the communication device; and

thereafter providing the complete message to the communication device upon request.

(col. 6, lines 12-15; col. 7, lines 18-27); and

Sofer discloses a complete message delivery to a communication device. However, Sofer does not disclose a message filter.

Wells discloses a system for complete message delivery to a communication device (Fig. 2, 10), comprising:

a communication device (Fig. 2, 10) adaptable to communicate over a first communication network (Fig. 1, 40);

a message control module configured to receive a complete message (e.g. DESC received message; encoded information; col. 14, lines 1-11; Fig. 4: A, B) addressed to the communication device (Fig. 2, 42) (col. 13, lines 33-40; col. 15, lines 59-67); and

a message filter (e.g. DESC-related firmware or software) configured to screen the complete message (Fig. 4, B) prior to notifying the communication device of the complete message (e.g. displaying the result),

wherein the complete message passes the message filter (Fig. 4: D, E) (e.g. translating the message into a more convenient, application specific format; col. 14, lines 39-62), and

thereafter providing the complete message to the communication device upon request (Fig. 4, F) (col. 9, line 3 – col. 10, line 41; col. 13, line 33 – col. 15, line 36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sofer to include a message filter as taught by Wells. One of ordinary skill in the art would have been lead to make such a modification to screen the complete

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message to determine whether different parts of the complete message can be readily interpreted and presented to a user of the communication device.

Regarding claim 19, the system of claim 17, wherein Sofer further discloses the message control module notifies the communication device of the complete message via the first communication network (Fig. 2, 36) (col. 8, lines 40-59).

Regarding claim 20, the system of claim 17, wherein Sofer further discloses the message control module notifies the communication device of the complete message via the second communication network (Fig. 2, 14) (col. 6, lines 24-28).

Regarding claim 21, the system of claim 17, wherein Sofer further discloses the complete message is provided to the communication device via the first communication network (Fig. 2, 36) (col. 7, lines 18-34; col. 9, lines 42-49).

Regarding claim 22, the system of claim 17, wherein Sofer further discloses the complete message is provided to the communication device via the second communication network (Fig. 2, 14) (col. 7, lines 18-27; col. 7, line 58 – col. 8, line 5).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sofer in view of Wells, as applied to claim 1 above, and in further view of U.S. Patent Application Publication No. Us 2005/0048958 by Katz et al, hereinafter Katz.

Regarding claim 3, the method of claim 2, wherein Sofer in view of Wells does not disclose the SMS message is encrypted.

Katz discloses a method for complete message delivery to a multi-mode communication device, comprising: receiving a message notification that is a SMS message and is encrypted (section 0090, line 1 – section 0091, line 38).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Sofer in view of Wells to include SMS encryption as taught by Katz. One of ordinary skill in the art would have been lead to make such a modification since encrypting a SMS message to allow an authorized user to receive a message notification.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sofer in view of Wells, as applied to claim 1 above, and in further view of U.S. Patent Application Publication No. Us 2005/0048958 by Mousseau et al, hereinafter Mousseau.

Regarding claim 4, the method of claim 1, wherein Sofer in view of Wells do not disclose the connecting step comprises establishing a secure VPN connection.

Mousseau discloses a method for complete message delivery to a multi-mode communication device (Fig. 1, 100) (see Abstract), comprising: receiving a message by establishing a secure VPN connection (section 0037, line 1 – section 0039, line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Sofer in view of Wells to include VPN as taught by Mousseau. One of ordinary skill in the art would have been lead to make such a modification since VPN provides security in downloading messages to the communication device, wherein authorized users can view messages.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sofer in view of Wells, as applied to claim 17 above, and in further view of U.S. Patent No. 6,625,461 by Bertacchi.

Regarding claim 18, the system of claim 17, wherein Sofer further discloses a database (Fig. 2, 24) adaptable to store a registration status pertaining to the communication device,

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wherein the communication device reports the registration status to the database and the database is updated (col. 1, lines 30-34; col. 6, lines 42-46).

Sofer in view of Wells do not disclose the communication device reports the registration status to the message control module and the message control module updates the database.

Bertacchi discloses a system for complete message delivery to a multi-mode communication device (Fig. 1, 10), comprising:

a first communication network or first area and a second communication network or second area;
a communication device adaptable to communicate over the first communication network and the second communication network (col. 4, lines 16-40);
a message control module or message center (Fig. 1, 22) configured to receive a complete message addressed to the communication device, notify the communication device of the message, and provide the complete message to the communication device (col. 1, lines 23-41; col. 4, lines 16-26).

Wherein Bertacchi further discloses a database (Fig. 2, 20: HLR) adaptable to store a registration status pertaining to the communication device, wherein the communication device reports the registration status to the message control module and the message control module updates the database (col. 7, line 62 – col. 8, line 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sofer in view of Wells to include the communication device reports the registration status to the message control module and the message control module updates the database as taught by Bertacchi. One of ordinary skill in the art would have been lead to make such a modification since the message control module can update the database regarding

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the registration status based on the communication device reporting its status to the message control module.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

9. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
April 19, 2007


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